
SENATE BILL 6871

State of Washington

60th Legislature

2008 Regular Session

By Senator Hargrove

Read first time 01/30/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to contracting for services provided to dependent
2 children; amending RCW 74.13.031, 74.13.165, and 41.06.142; creating a
3 new section; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** In November 2007, the Washington state
6 children's administration workload study was released. Among other
7 areas, the study authors recommended areas for improved efficiency.
8 They pointed out a number of areas in which social workers spent
9 considerable time on noncase carrying activities to the detriment of
10 the children and families they serve and recommended a different
11 approach to some of these areas which might relieve some of the
12 workload of social workers. These approaches include having others
13 complete some of the data processing, prioritizing face-to-face
14 contacts in dependency services, contracting out supervised visits, and
15 contracting out client transportation.

16 In addition, in each of the department's regions across the state,
17 there are numerous legally free children with identified adoptive homes
18 who remain in foster care because the department social workers have

1 not had sufficient time to complete the home studies necessary for the
2 completion of the adoptions.

3 **Sec. 2.** RCW 74.13.031 and 2007 c 413 s 10 are each amended to read
4 as follows:

5 The department shall have the duty to provide child welfare
6 services and shall:

7 (1) Develop, administer, supervise, and monitor a coordinated and
8 comprehensive plan that establishes, aids, and strengthens services for
9 the protection and care of runaway, dependent, or neglected children.

10 (2) Within available resources, recruit an adequate number of
11 prospective adoptive and foster homes, both regular and specialized,
12 i.e. homes for children of ethnic minority, including Indian homes for
13 Indian children, sibling groups, handicapped and emotionally disturbed,
14 teens, pregnant and parenting teens, and annually report to the
15 governor and the legislature concerning the department's success in:
16 (a) Meeting the need for adoptive and foster home placements; (b)
17 reducing the foster parent turnover rate; (c) completing home studies
18 for legally free children; and (d) implementing and operating the
19 passport program required by RCW 74.13.285. The report shall include
20 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

21 (3) Investigate complaints of any recent act or failure to act on
22 the part of a parent or caretaker that results in death, serious
23 physical or emotional harm, or sexual abuse or exploitation, or that
24 presents an imminent risk of serious harm, and on the basis of the
25 findings of such investigation, offer child welfare services in
26 relation to the problem to such parents, legal custodians, or persons
27 serving in loco parentis, and/or bring the situation to the attention
28 of an appropriate court, or another community agency(~~(+—PROVIDED,~~
29 ~~That)~~). An investigation is not required of nonaccidental injuries
30 which are clearly not the result of a lack of care or supervision by
31 the child's parents, legal custodians, or persons serving in loco
32 parentis. If the investigation reveals that a crime against a child
33 may have been committed, the department shall notify the appropriate
34 law enforcement agency.

35 (4) Offer, on a voluntary basis, family reconciliation services to
36 families who are in conflict.

1 (5)(a) ~~Monitor out-of-home placements((, on a timely and routine~~
2 ~~basis,)) and conduct face-to-face meetings with children in out-of-home~~
3 ~~care and their caregivers every thirty days~~ to assure the safety, well-
4 being, and quality of care being provided is within the scope of the
5 intent of the legislature as defined in RCW 74.13.010 and 74.15.010(~~(,~~
6 ~~and annually submit a report measuring the extent to which the~~
7 ~~department achieved the specified goals to the governor and the~~
8 ~~legislature))~~).

9 **(b) When a child's case is being managed by a private agency**
10 **pursuant to a contract between the department and the private agency,**
11 **the private agency shall conduct the thirty-day face-to-face visits**
12 **with the child and the caregiver, and report promptly to the department**
13 **in writing on the visit. In these cases, the department need not also**
14 **conduct a thirty-day visit.**

15 **(c) The department may contract with a private agency to perform**
16 **the thirty-day face-to-face visits with the child and the child's**
17 **caregiver, but only in those cases in which the social worker and his**
18 **or her supervisor believe the case is routine in nature and there have**
19 **been no safety issues with the child's caregiver within the last twelve**
20 **months.**

21 (6) Have authority to accept custody of children from parents and
22 to accept custody of children from juvenile courts, where authorized to
23 do so under law, to provide child welfare services including placement
24 for adoption, to provide for the routine and necessary medical, dental,
25 and mental health care, or necessary emergency care of the children,
26 and to provide for the physical care of such children and make payment
27 of maintenance costs if needed. Except where required by Public Law
28 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
29 children for adoption from the department shall discriminate on the
30 basis of race, creed, or color when considering applications in their
31 placement for adoption.

32 (7) Have authority to provide temporary shelter to children who
33 have run away from home and who are admitted to crisis residential
34 centers.

35 (8) Have authority to purchase care for children; and shall follow
36 in general the policy of using properly approved private agency
37 services for the actual care and supervision of such children insofar

1 as they are available, paying for care of such children as are accepted
2 by the department as eligible for support at reasonable rates
3 established by the department.

4 (9) Establish a children's services advisory committee which shall
5 assist the secretary in the development of a partnership plan for
6 utilizing resources of the public and private sectors, and advise on
7 all matters pertaining to child welfare, licensing of child care
8 agencies, adoption, and services related thereto. At least one member
9 shall represent the adoption community.

10 (10)(a) Have authority to provide continued foster care or group
11 care as needed to participate in or complete a high school or
12 vocational school program.

13 (b)(i) Beginning in 2006, the department has the authority to allow
14 up to fifty youth reaching age eighteen to continue in foster care or
15 group care as needed to participate in or complete a posthigh school
16 academic or vocational program, and to receive necessary support and
17 transition services.

18 (ii) In 2007 and 2008, the department has the authority to allow up
19 to fifty additional youth per year reaching age eighteen to remain in
20 foster care or group care as provided in (b)(i) of this subsection.

21 (iii) A youth who remains eligible for such placement and services
22 pursuant to department rules may continue in foster care or group care
23 until the youth reaches his or her twenty-first birthday. Eligibility
24 requirements shall include active enrollment in a posthigh school
25 academic or vocational program and maintenance of a 2.0 grade point
26 average.

27 (11) Refer cases to the division of child support whenever state or
28 federal funds are expended for the care and maintenance of a child,
29 including a child with a developmental disability who is placed as a
30 result of an action under chapter 13.34 RCW, unless the department
31 finds that there is good cause not to pursue collection of child
32 support against the parent or parents of the child. Cases involving
33 individuals age eighteen through twenty shall not be referred to the
34 division of child support unless required by federal law.

35 (12) Have authority within funds appropriated for foster care
36 services to purchase care for Indian children who are in the custody of
37 a federally recognized Indian tribe or tribally licensed child-placing
38 agency pursuant to parental consent, tribal court order, or state

1 juvenile court order; and the purchase of such care shall be subject to
2 the same eligibility standards and rates of support applicable to other
3 children for whom the department purchases care.

4 Notwithstanding any other provision of RCW 13.32A.170 through
5 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
6 services to be provided by the department of social and health services
7 under subsections (4), (6), and (7) of this section, subject to the
8 limitations of these subsections, may be provided by any program
9 offering such services funded pursuant to Titles II and III of the
10 federal juvenile justice and delinquency prevention act of 1974.

11 (13) Within amounts appropriated for this specific purpose, provide
12 preventive services to families with children that prevent or shorten
13 the duration of an out-of-home placement.

14 (14) Have authority to provide independent living services to
15 youths, including individuals who have attained eighteen years of age,
16 and have not attained twenty-one years of age who are or have been in
17 foster care.

18 (15) Consult at least quarterly with foster parents, including
19 members of the foster parent association of Washington state, for the
20 purpose of receiving information and comment regarding how the
21 department is performing the duties and meeting the obligations
22 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
23 recruitment of foster homes, reducing foster parent turnover rates,
24 providing effective training for foster parents, and administering a
25 coordinated and comprehensive plan that strengthens services for the
26 protection of children. Consultation shall occur at the regional and
27 statewide levels.

28 (16) Starting July 1, 2009, contract with a private agency to
29 provide all supervised visitation and client transportation services.

30 **Sec. 3.** RCW 74.13.165 and 1997 c 272 s 4 are each amended to read
31 as follows:

32 (1) The secretary or the secretary's designee may purchase services
33 from nonprofit agencies for the purpose of conducting home studies for
34 legally free children who have been awaiting adoption finalization for
35 more than ninety days. The home studies selected to be done under this
36 section shall be for the children who have been legally free and
37 awaiting adoption finalization the longest period of time.

1 (2) Starting July 1, 2009, the secretary or the secretary's
2 designee shall purchase services from private agencies for the purpose
3 of conducting home studies for legally free children awaiting adoption.

4 **Sec. 4.** RCW 41.06.142 and 2002 c 354 s 208 are each amended to
5 read as follows:

6 (1) Any department, agency, or institution of higher education may
7 purchase services, including services that have been customarily and
8 historically provided by employees in the classified service under this
9 chapter, by contracting with individuals, nonprofit organizations,
10 businesses, employee business units, or other entities if the following
11 criteria are met:

12 (a) The invitation for bid or request for proposal contains
13 measurable standards for the performance of the contract;

14 (b) Employees in the classified service whose positions or work
15 would be displaced by the contract are provided an opportunity to offer
16 alternatives to purchasing services by contract and, if these
17 alternatives are not accepted, compete for the contract under
18 competitive contracting procedures in subsection (4) of this section;

19 (c) The contract with an entity other than an employee business
20 unit includes a provision requiring the entity to consider employment
21 of state employees who may be displaced by the contract;

22 (d) The department, agency, or institution of higher education has
23 established a contract monitoring process to measure contract
24 performance, costs, service delivery quality, and other contract
25 standards, and to cancel contracts that do not meet those standards;
26 and

27 (e) The department, agency, or institution of higher education has
28 determined that the contract results in savings or efficiency
29 improvements. The contracting agency must consider the consequences
30 and potential mitigation of improper or failed performance by the
31 contractor.

32 (2) Any provision contrary to or in conflict with this section in
33 any collective bargaining agreement in effect on July 1, 2005, is not
34 effective beyond the expiration date of the agreement.

35 (3) Contracting for services that is expressly mandated by the
36 legislature or was authorized by law prior to July 1, 2005, including

1 contracts and agreements between public entities, shall not be subject
2 to the processes set forth in subsections (1) (~~and~~), (4) (~~through~~
3 ~~(6)~~), (5), and (7) of this section.

4 (4) Competitive contracting shall be implemented as follows:

5 (a) At least ninety days prior to the date the contracting agency
6 requests bids from private entities for a contract for services
7 provided by classified employees, the contracting agency shall notify
8 the classified employees whose positions or work would be displaced by
9 the contract. The employees shall have sixty days from the date of
10 notification to offer alternatives to purchasing services by contract,
11 and the agency shall consider the alternatives before requesting bids.

12 (b) If the employees decide to compete for the contract, they shall
13 notify the contracting agency of their decision. Employees must form
14 one or more employee business units for the purpose of submitting a bid
15 or bids to perform the services.

16 (c) The director of personnel, with the advice and assistance of
17 the department of general administration, shall develop and make
18 available to employee business units training in the bidding process
19 and general bid preparation.

20 (d) The director of general administration, with the advice and
21 assistance of the department of personnel, shall, by rule, establish
22 procedures to ensure that bids are submitted and evaluated in a fair
23 and objective manner and that there exists a competitive market for the
24 service. Such rules shall include, but not be limited to: (i)
25 Prohibitions against participation in the bid evaluation process by
26 employees who prepared the business unit's bid or who perform any of
27 the services to be contracted; (ii) provisions to ensure no bidder
28 receives an advantage over other bidders and that bid requirements are
29 applied equitably to all parties; and (iii) procedures that require the
30 contracting agency to receive complaints regarding the bidding process
31 and to consider them before awarding the contract. Appeal of an
32 agency's actions under this subsection is an adjudicative proceeding
33 and subject to the applicable provisions of chapter 34.05 RCW, the
34 administrative procedure act, with the final decision to be rendered by
35 an administrative law judge assigned under chapter 34.12 RCW.

36 (e) An employee business unit's bid must include the fully
37 allocated costs of the service, including the cost of the employees'
38 salaries and benefits, space, equipment, materials, and other costs

1 necessary to perform the function. An employee business unit's cost
2 shall not include the state's indirect overhead costs unless those
3 costs can be attributed directly to the function in question and would
4 not exist if that function were not performed in state service.

5 (f) A department, agency, or institution of higher education may
6 contract with the department of general administration to conduct the
7 bidding process.

8 (5) As used in this section:

9 (a) "Employee business unit" means a group of employees who perform
10 services to be contracted under this section and who submit a bid for
11 the performance of those services under subsection (4) of this section.

12 (b) "Indirect overhead costs" means the pro rata share of existing
13 agency administrative salaries and benefits, and rent, equipment costs,
14 utilities, and materials associated with those administrative
15 functions.

16 (c) "Competitive contracting" means the process by which classified
17 employees of a department, agency, or institution of higher education
18 compete with businesses, individuals, nonprofit organizations, or other
19 entities for contracts authorized by subsection (1) of this section.

20 (6) The requirements of this section do not apply to RCW 74.13.031
21 and 74.13.165.

22 (7) The joint legislative audit and review committee shall conduct
23 a performance audit of the implementation of this section, including
24 the adequacy of the appeals process in subsection (4)(d) of this
25 section, and report to the legislature by January 1, 2007, on the
26 results of the audit.

27 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2009.

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